

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, FEBRUARY 3, 2004

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 11:00 a.m. and welcomed everyone to the meeting. The start of the meeting was delayed due to the inclement weather. **INVOCATION**

Rev. Tom Hayes, Pastor, Little Fork Episcopal Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Chase led the members of the Board and audience in the Pledge of Allegiance to the Flag.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following additions be made to the agenda:

Under **CONSENT AGENDA**, add:

e. The Board will correct a typographical error in the approved Ordinance for Assessment of New Buildings and Extension of Time for Paying Assessment.

Under **GENERAL COUNTY BUSINESS**, add:

Item 4-A. **RE: CAPITAL IMPROVEMENT PLAN (C.I.P.)** – The Board will consider giving permission to the County Administrator to forward to the Town the recently amended C.I.P., which includes school construction;

Item 8-A. **RE: AWARD OF CONTRACT** – The Board will consider awarding a contract for recycling and solid waste hauling services to Efficient Roll-off and Recycling; and

Item 8-B. **RE: CONSIDERATION OF STATE/COUNTY AGREEMENT** – The

Board will consider approving a State/County Agreement for a second VDOT Recreational Access Grant for Culpeper Community Complex.

Under **CLOSED SESSION**, add: Under *Virginia Code* §2.2-3711(A)(1) as item (G), consideration of resignation from member of the School Construction Oversight Committee and appointment of alternate to committee.

Mr. Walker moved, seconded by Mr. Nixon, to accept the agenda as amended.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the January 6, 2004 regular meetings were presented to the Board for approval. Mr. Bossio noted a correction had been made to the January 6, 2004 day meeting, on page 1, **RE: ELECTION OF CHAIRMAN**, which should read: “With no further nominations, Mr. Lee moved, seconded by Mr. Walker, that the nominations be closed.”

Mrs. Hansohn moved, seconded by Mr. Walker, that the minutes be approved as corrected.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a budget amendment for the Department of Emergency Services and the Department of Environmental Services in the amount of \$25,182.09 for expenses experienced due to Hurricane Isabel. The Federal Emergency Management Agency (FEMA) through the Department of Emergency Management reimbursed the County for 96% of those funds;
- b. The Board will consider approving a budget amendment for the Sheriff's Office for funds received from an anonymous donor in the amount of \$20,000. No specific use has been determined; [Mr. Bossio added that the funds would go into a Welfare and Morale line.]
- c. The Board will consider advertising for a public hearing on a budget amendment and reappropriation of funds to the School Capital Projects Fund in the amount of \$660,000 for various capital needs;

- d. The Board will consider renewing Agreement of Lease with DALRO;
- e. **(Addition)** The Board will correct a typographical error in the approved Ordinance for Assessment of New Buildings and Extension of Time for Paying Assessment;

Mr. Lee moved, seconded by Mrs. Hansohn, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates welcomed Mayor Rimeikis, as well as Dr. Cox, Superintendent of the School Board, and Elizabeth Hutchins and Claudia Vento, School Board members, who were in the audience.

GENERAL COUNTY BUSINESS

RE: SERVICE AWARDS

Mr. Coates announced that the Board would recognize employees with 5, 10, 15, 20, 25, 30 and 35 years of service with the County. Mr. Bossio read the names of those receiving awards, and Mr. Coates made the presentations. Mrs. Alta Finks received a standing ovation in recognition of her 35 years of service as the County's Registrar.

Mr. Coates called for a recess at 11:20 a.m. He called the meeting back to order at 11:22 a.m.

RE: SCHOOL CONSTRUCTION OVERSIGHT COMMITTEE

Mr. Coates stated that members of the Construction Oversight Committee would brief the Board on activities of the various subcommittees. He noted that Joe Ray Daniel, Chairman, was unable to be present.

Ron Miller, Vice Chairman of the Committee, stated he would provide an overview of the Committee's structure, followed by an update on the activities of the Architectural Subcommittee of which he was Chairman. He recognized the Committee members who were in the audience.

Mr. Miller reported that the School Construction Oversight Committee included business and community representation, as well as *ex-officio* members from the Board of Supervisors and Town Council, and the Committee's theme was "to lead by diversity and not adversity." He stated that the Committee had two subcommittees: (1) Architectural Design, of which he served as Chair and Elizabeth Hutchins, Vice Chairman; and (2) Site Selection, with Tony Troilo as Chairman and Sue Hansohn as Vice Chairman. He noted that Mr. Troilo had recently resigned from the Chairmanship of the Site Selection

Subcommittee due to a family medical situation, but would remain as a member; and Michael Armm had been asked to serve as interim Chairman of the Site Subcommittee and would be recommended for appointment as permanent Chairman at the Subcommittee's next meeting.

Mr. Miller reported that the Architectural Design Subcommittee had reviewed proposals for design services submitted by 14 architectural firms, and six had been selected for interviews. He described the various items the firms were asked to present, such as prototype designs, samples of construction documents, and a list of all school work completed or underway since January 2002, as well as a schedule of performance, estimated costs and budget and actual costs and change orders for similar projects, a prototypical high school design, and a proposed schedule for completion of the new high school in an accelerated time frame to dovetail with the County's particular needs. He described the various documents the Subcommittee had drafted to facilitate the interviews and site visits. He stated that the Subcommittee met with the six architectural firms on January 29 and 30, and a short list of three firms was being developed, ranked in order of choice. He said the Subcommittee would visit the identified schools on February 4 and 5 in Powhatan and in the Counties of Hanover, Manassas and Loudoun. He anticipated the Subcommittee would make a formal presentation to the School Board at its February 9 meeting.

Mr. Chase asked whether the Subcommittee was looking at existing buildings whose plans might fit the County's needs. He said it would be more viable monetarily if an existing building could be found so that the occupants could relate any design problems they had experienced. Mr. Miller replied that the Subcommittee was looking at what the architectural firms had already designed and the kind of work they had done. He said it was clear from discussions with the six firms that a school should be built around the education program versus having students and personnel "plugged" into an existing building. He said they were trying to be good stewards from both a monetary and functional aspect.

Michael Armm, Interim Chairman of the Site Subcommittee, informed the Board that he would provide an overview of the process used in identifying sites, but the actual sites would not be discussed. He reported that the overall School Construction Committee had met almost weekly, and the Subcommittees had met in between the regular meetings in order to expedite the process. He explained the procedures used in identifying sites within the Town environs with 50+ acres and within reach of an existing water/sewer

system. He commended the efforts of John Egertson and the County Planning staff in providing assistance in the use of the GIS system in reviewing the entire County site-by-site, and obtaining information regarding ownership, zoning, typography, roads, access, etc. He said the initial list of 10 potential sites has been narrowed down to three sites after meeting with the Oversight Committee. He noted that he could identify one of the sites because it was owned by the County and that was the property at the Route 29 bypass/Route 666. He said there was sufficient land on that site to accommodate a high school as well as the recreation facilities approved by the citizens through a bond referendum a few years ago. He noted that the Subcommittee had sketches prepared by the County's consultant to show that a high school with a population of 1,500 students would fit on the property, along with the necessary accessories, sporting fields, parking, etc. He said there would be some economy in using that site because some of the paving for the sports fields' parking could be doubled up as parking for the school, and possibly some of the sports fields could be used by the school. He cautioned that care should be exercised to avoid preempting the recreational uses. He said the Subcommittee was prepared to discuss the other two sites with the Board of Supervisors in closed session.

No action was required.

Mr. Coates apologized for not recognizing Harlean Smoot, member of the School Construction Oversight Committee, and Bob Beard, School Board member, who were present.

RE: CAPITAL IMPROVEMENT PLAN (C.I.P.)

Mr. Bossio informed the Board that the Town of Culpeper was in the process of developing a proffer policy and needed to know what the County had included in its C.I.P. regarding the schools in order to develop the Town's proffer policy. He stated he was asking for the Board's permission to send a copy of the County's C.I.P. to the Town since the Planning Commission had completed its review and had incorporated the entire school construction project into the plan.

Mr. Walker moved, seconded by Mr. Nixon, to allow the County Administrator to forward the recently amended C.I.P. to the Town with a letter describing the process.

Mrs. Hansohn clarified that as projects on the plan came up, the Board would decide whether the money was going to be appropriated for the different phases.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: DISABILITY SERVICES BOARD UPDATE

David Scott, Disability Services Board Chairman, reviewed the Board's mission, the past year's activities, and efforts made to ensure that local government and businesses were easily accessible to individuals with physical and/or sensory disabilities. He noted that the DSB 2003 needs assessment identified three local priorities: (1) Central information and referral for the disabled residents of Culpeper, (2) increased accessibility to establishments and businesses within and surrounding the Town of Culpeper, and (3) transportation services, both to places of employment and to/from medical appointments. He distributed copies of the needs assessment to each Board member and invited their input.

Mr. Walker thanked the Disability Services Board for the proactive approach it was taking within the community. He mentioned that Bill Chase serves on the State Disability Service Council, and Chip Coleman, Culpeper Human Services Executive Director, serves on the State Board of Disabilities.

Mr. Chase thanked Mr. Scott and members of the Disability Services Board for the excellent job they were doing in the community.

No action was required.

RE: AGREEMENT BETWEEN CULPEPER COUNTY AND WILLOW RUN CO., INC.

Mr. Egertson recalled that the Board of Supervisors had entered into an agreement in 1988 with Willow Run Company, Inc., in which the County had received property from Willow Run Company that had been incorporated into the Airpark; and, in return, the County promised to provide Willow Run Company with water and sewer taps in the future and to construct a road and certain alignment. The road is now known as Greenhouse Road and has been partially constructed. He said the agreement stipulated that the County was to complete the road within a five-year period, but the County and Willow Run Company have talked annually and determined that it was in everyone's best interest not to complete the road because the Willow Run Company property was zoned for commercial/industrial development and the eventual layout and development of that property was still in question. He said that the Willow Run Company now had a prospect and would like to create a lot on an extension of Greenhouse Road, but the alignment they proposed to use differed from the alignment in the original 1988 agreement.

Mr. Egertson stated he was proposing an amendment to the 1988 agreement under which the Willow Run Company would construct the road in an alternative alignment

to suit its needs, as well as the eventual needs of the County. He pointed out that under the amended agreement, Willow Run Company would plan and construct the road, and the County would reimburse Willow Run Company for that portion of the funds that would equal what was originally agreed upon in 1988. He said that estimates were obtained from both VDOT and Chemung Contracting and it was determined it would cost \$84,665 to complete the road as originally agreed. Under the agreement, Willow Run Company would construct the road in an alternative alignment to what was originally planned, they would provide documentation to the County on the cost of that road, and the County would reimburse Willow Run Company up to a maximum of \$84,665. He noted that funding would be provided from the Airport Site Acquisition Fund set aside for projects of this nature, and there was adequate funding in that line item. He recommended that the Board approve the agreement, which Willow Run Company had already executed.

Mr. Chase agreed that the alternative alignment was exactly what was needed in that location.

Mr. Chase moved, seconded by Mr. Walker, to approve the amendment to the agreement between the County and Willow Run Company, Inc.

Mr. Nixon asked what would happen if all of the money was not spent. Mr. Egertson assured him that the Willow Run Company would be reimbursed only for the amount spent on the road that could be documented up to \$84,665.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: REVENUE SHARING 2004-2005

Mr. Egertson referred to a letter received from VDOT informing the County that revenue sharing funds, not to exceed \$500,000 per locality, were available for the upcoming fiscal year 2005. He reminded the Board that the County had, in years past, applied for the maximum amount and provided the required dollar-for-dollar match for funds received. He noted that the County usually received the amount applied for and had used revenue sharing funds for various projects around the Town, such as Ira Hoffman Lane and the McDevitt Drive extension. He said that \$500,000 had been included in the draft C.I.P. and approved by the Planning Commission for FY 2005. He suggested that the Board consider directing the full amount toward the connector road between Route 729 and Route 522, which was included in the Comprehensive Plan. He felt that some Town participation could be obtained to supplement the revenue sharing funds from VDOT

and the County money. He said that the money would be put into a bank account because multiple years of funding would be required to complete the project. He pointed out that the Board had not endorsed the final alignment of the Route 729/Route 522 connector road, but it was being studied by the County and Town Planning Commissions and the Board would have input in the ultimate location. He said that VDOT contributed some funds last year for preliminary planning/engineering to determine that alignment.

Mr. Chase asked whether the savings account would be only for that one project. Mr. Egertson assured him that it would be. Mr. Chase asked for information about the various portions of the loop road. Mr. Egertson explained that the McDevitt Drive extension was entirely in the Town; Ira Hoffman Lane had a small portion on the Town/County line, but was primarily in the County; and the connection from Route 229 to Route 729, under construction at the present time, was all in the County. He added that the connector between Route 729 and Route 522 was originally half in Town and half in the County, but it was the current thought that it should all lie within the County.

Mrs. Hansohn asked what the time frame would be after the Town and County reached an agreement on the alignment. Mr. Egertson estimated it would be at least two years because at least two years of revenue sharing would be required, as well as Town participation.

Mr. Walker asked whether it would be two years before the final planning stages or the actual construction. Mr. Egertson said he projected that it would two years before construction could begin. Mr. Walker asked if any of the funds had been used to date. Mr. Egertson replied that there was approximately \$50,000 in the account and none had been spent, and he anticipated that VDOT would soon charge for work it had done on the alignments.

Mr. Walker stated he assumed the Town Council was still interested in being a partner because of its desire to have the road completed. Mr. Egertson agreed that was a fair assumption. He added the Town had not committed, but from all indications, the Town wanted to participate financially. He said the added advantage by having the road in the County was that the Town was not eligible for revenue sharing dollars.

Mr. Coates stated that he hoped the County would receive some donated-property once the alignment was selected. Mr. Egertson agreed and stated that would have a large impact on when construction could begin. He said the County would start by looking for donated property and work from there.

Mr. Coates stated this road had been a long time in coming, the Board started discussing a west loop road approximately 10 years ago as something that was needed, and he believed it was finally going to become a reality.

Mr. Lee asked Mr. Bossio whether the funds would impact this year's budget or next year's budget. Mr. Bossio replied that the funds would come from next year's budget.

Mrs. Hansohn moved, seconded by Mr. Nixon, to apply for the full amount of \$500,000 revenue sharing funds and those funds to be applied to the Route 729/Route 522 connector road.

Mrs. Hansohn asked Mr. Egertson if the County received revenue sharing funds and did not use them, could the funds be banked. Mr. Egertson stated that if the County applied for the funds, VDOT would expect the County to provide the County's share at some point after July 1, 2004; and if the money were not available at that point, the County could decline and not participate.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mrs. Hansohn noted that Donald Gore, VDOT Resident Engineer, was in the audience and asked him to provide a progress report on the Catalpa intersection project being funded by revenue sharing money.

Mr. Gore stated that VDOT had completed a preliminary sketch on the Catalpa project. He explained that it was proposed to widen the road on both sides to allow for two left turn lanes, but the big problem was the two entrances almost in the radius and that was being worked out. Mrs. Hansohn stated she had noticed that VDOT had placed emergency flashers in that location and asked if they would be there permanently. Mr. Gore replied that the flashers would probably remain, but would be moved at some point. Mrs. Hansohn thanked Mr. Gore for the progress being made.

Mr. Coates thanked Mr. Gore for his efforts and the information provided.

RE: SUPPLEMENTAL REVENUE SHARING 2003-2004

Mr. Egertson informed the Board that VDOT had indicated there were additional revenue sharing funds available this year for those counties that had applied for the maximum amount during the year. He said that Culpeper County was in a position to apply for the maximum of \$100,000, but the funds must be matched dollar-for-dollar by the County no later than June 30, 2004. He pointed out that the County had not budgeted this amount in its current budget, and the funds would have to be taken from contingency

funds to provide the match if the Board wished to apply.

Mr. Egertson stated he felt the connection between Route 29 and Route 718 remained the top priority. He said he had hoped to report that the County match would be provided by the developer whose development would benefit from the project, but after several meetings, the developer declined to use that option. He said the County could decline to apply for additional revenue sharing funds since the match had not been included in the current budget or the Board could apply for funds for another project, such as the Town-County loop road connecting Route 729 and Route 522.

Mr. Coates asked whether the right-of-way was still available for the Route 29/Route 718 connector road. Mr. Egertson assured him that the developer had every intention to provide the right-of-way not only for the connector road, but also for an interchange at that location according to the Comprehensive Plan. He added that the County had hoped to get the developer to build two lanes at the connector road, but the developer declined.

Mr. Coates stated that the County had asked for four lanes between Mountain Run Lake Road and Route 29 and the plan was to build only a two-lane section at this time. He pointed out that the intersection of Mountain Run Lake Road/Route 29 was a dangerous intersection. He said that the County was advised several years ago that the warrants were there for signalization; however, because the vertical alignment was not the most desirable VDOT felt that while the angle accidents would be reduced, rear-end accidents would increase. He stated he had hoped the developer would participate because it would be advantageous for the property.

Mr. Coates asked what the estimated cost was for the two-lane section. Mr. Egertson stated he did not recall, but estimated it would be more than \$200,000. He said the original idea was to have the developer build the road and the County would help with \$100,000 of match from VDOT, but the issues regarding timing and requirements for VDOT to bid the project would make it almost impossible for the developer to agree to do the road as part of the revenue sharing project.

Mr. Coates asked Mr. Gore if VDOT was in a position to do some grading to the vertical curve on Route 29 northbound at Mountain Run Lake Road. Mr. Gore said the answer was "no".

Mr. Coates felt that VDOT either had to spend the money at the existing location or participate with the County in getting the connection done because it did fit the transportation plan. He recalled the many concerns expressed by the citizens who lived in

the area. Mr. Gore pointed out that VDOT could not build a subdivision road. Mr. Coates agreed that would not be possible, but VDOT needed to give consideration to a primary intersection that needed to be relocated and said that the County had been very patient in dealing with the existing intersection.

Mr. Coates said he understood VDOT's position, but there was a need for a crossover at the proposed connection on Route 29. Mr. Egertson stated that a crossover had not been mentioned. Mr. Coates said a crossover would be necessary to avoid U-turns. He said that the Board could petition the State to proceed with the realignment and the changes needed on Route 29 at the existing Mountain Run Lake Road, but it was the Board's desire to move that intersection. He stated that the Board would need to rethink its position on how to proceed. Mr. Gore said it was his recommendation to build the road with the help of the developer, but VDOT could not build it on its own.

Mr. Coates asked Mr. Gore whether VDOT was in a position to build a crossover and turn lanes. Mr. Gore replied that VDOT could not at this time.

Mr. Walker asked whether it was imperative for the Board to decide now to apply for supplemental revenue sharing funds. Mr. Gore replied that the application had to be in Richmond by March 1. Mr. Walker felt there were some alternatives to work out with the developer and VDOT in order to have some leverage. He said there were some unanswered questions.

Mr. Coates stated he appreciated Mr. Walker's comment, but he did not want to lose the opportunity to apply for \$100,000 and felt that the Board should proceed. He pointed out that the Board could withdraw at a later date or put the funds into the Route 729/Route 522 project.

Mr. Gore stated he had discussed this project with the Central Office and they indicated they would not fund this revenue sharing without some funds from the developer. Mr. Egertson pointed out that the developer had already agreed to provide the entire right-of-way. Mr. Coates added that it was a very valuable right-of-way through a proposed subdivision.

Mr. Chase asked why the Board would apply for the \$100,000 when VDOT was saying they would not go forward without participation by the developer. Mr. Coates stated there was still room to negotiate with the developer and that was the reason he would like to proceed.

Mrs. Hansohn pointed out that the right-of-way counted as in-kind funds.

Mr. Nixon asked how much money the developer would have to provide in addition

to the right-of-way for the road and interchange. Mr. Gore stated that he could not answer that question.

Mr. Nixon asked Mr. Egertson whether he could go back and talk to the developer and indicate to him that the County could not build the road without some additional participation from him. Mr. Egertson stated that he could do that after the Board voted to authorize the County to apply for these funds.

Mr. Lee moved, seconded by Mr. Walker, to move forward with the application.

Mr. Rosenberger stated that both Mr. Gore and Mr. Chase made good points. He said that the developer would need roads in order to access the development and to take right-of-way as payment in kind was not agreeable. He felt it was right to have the developer put money into this project and he hoped that if it could be worked out, the donation should be a significant one in addition to the right-of-way.

Mr. Rosenberger called the question.

Mr. Coates stated he would like to respond to Mr. Rosenberger's comments. He said that he would agree with Mr. Rosenberger if the County had not proceeded this far with the project. He pointed out that the land was very valuable to the County and the land had not been dedicated at the present time.

Mr. Rosenberger asked the Board to keep in mind that these types of situations arise when land was rezoned with no proffers. He said that the desire of the Board should be to work to ease the burden on local, State and Federal taxpayers, because Route 29 was a Federal highway.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: AWARD OF CONTRACT

Mr. Paul Howard, Director of Environmental Services, informed the Board that staff had issued a proposal in December 2003 for a recycling and solid waste hauling services contract, and proposals had been received from BFI and Efficient Roll-Off. He recommended that the contract be awarded to Efficient Roll-Off, who was the low bidder at \$48,720 per year. He noted this represented a savings of \$468 annually over the current contract. He explained that the contract was for a period of three years, with two additional one-year renewals, and the price would increase per year in accordance with the Consumer Price Index. No additional appropriations would be required for the contract.

Mrs. Hansohn moved, seconded by Mr. Lee, to accept the recommendation to

award the contract to Efficient Roll-Off.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: CONSIDERATION OF STATE/COUNTY AGREEMENT

Mr. Howard stated that he had provided the Board with a copy of a State/County Agreement between VDOT and Culpeper County for a second VDOT Recreational Access Grant to build interior roads within the Culpeper Community Complex. He reminded the Board that the County had applied for an initial grant of \$250,000 to widen Jonas Road and to build the first 50 feet into the park and the Virginia Department of Transportation awarded that grant. The second grant was for \$16,966 to extend that interior road north and south to the baseball and soccer fields and that grant was pending consideration by the Commonwealth Transportation Board in March. He said the total grant request was \$269,666, and he was not sure at this point whether a 50/50 local match would be required on the entire amount or whether the second request would be treated as a separate grant. He noted that the Commonwealth Transportation Board would need a copy of the State/County agreement before it could consider the grant.

Mr. Nixon moved, seconded by Mr. Walker, that the County move forward with the application.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

COMMITTEE REPORTS

E-9-1-1 BOARD OF DIRECTORS/JANUARY 15, 2004/7:30 A.M.

Mrs. Hansohn reported that the E-9-1-1 Board met on January 15 and discussed current pay incentive issues. She asked Mr. Bossio to review the two options discussed.

Mr. Bossio informed the Board that there were actually three options:

Option One would strictly pay the dispatchers time and a half for any hours over 40 hours in a given week. He stated there were not enough dispatchers for a standard 40 hour week.

Option Two would take the communications officers back to the pay formula prior to July 1, 2003, i.e., in a short week of 36 hours and any hours worked over 40 hours, the dispatchers would be paid at a time-and-a-half rate of pay; and in a long week of 40 to 48

hours, the dispatchers would be paid at the half-time rate and all hours over 48 would be paid time-and-a-half.

Option Three would maintain the status quo and pay half-time for all hours over 40 in a given week.

Mr. Bossio stated that the E-9-1-1 Board discussed the issue at great length and decided that Option Two was the best one to recommend to the Board of Supervisors.

Mrs. Hansohn stated that the dispatchers were in attendance at the meeting and they agreed Option Two was the best option.

Mrs. Hansohn moved, seconded by Mr. Walker, to move forward with incentive pay Option Two.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See attachment #1 for details of the meeting.

PUBLIC SAFETY COMMITTEE/JANUARY 15, 2004/8:00 A.M.

Mr. Chase reported that the Public Safety Committee met on January 15 and had a lengthy discussion on a request to develop a Comprehensive Criminal Justice Plan. He asked Mr. Bossio to provide an overview of the discussion.

Mr. Bossio stated that due to a moratorium on building jails in the Commonwealth of Virginia, legislation was required to allow the County to be partially reimbursed for the cost of doing a study to evaluate the criminal justice needs of the County. He said the Public Safety Committee recommended that he poll the Board for permission to ask Senator Houck to introduce legislation. He said the cost of the study was approximately \$40,000 and, if the State approved, the County would be reimbursed 50 percent of the cost. He explained that a study was a requirement before the County could build another jail, renovate the present jail, or seek other alternatives. He said each Board member approved moving forward, and he would be meeting with Senator Houck this afternoon. He said he was asking that the Board's consent, which was given orally, be ratified.

Mr. Nixon asked if the study would be multi-jurisdictional or for a single jurisdiction. Mr. Bossio replied that at the present time the County was asking that it be multi-jurisdictional. Mr. Nixon noted with the State would provide 50 percent reimbursement for a multi-jurisdiction study, and 25 percent for a single jurisdiction.

Mr. Chase moved, seconded by Mr. Nixon, that the Board request Senator Edd Houck to introduce legislation to the General Assembly to approve and authorize

reimbursement to the extent appropriate to the County of Culpeper for developing a Comprehensive Criminal Justice Plan and to approve and ratify any prior action taken by the County Administrator in regards to this request.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

See attachment #2 for details of the meeting.

RULES COMMITTEE/JANUARY 22, 2004/9:00 A.M.

Mr. Walker reported that the Rules Committee met on January 22 and there were no action items.

See attachment #3 for details of the meeting.

ECONOMIC DEVELOPMENT REPORT

Carl Sachs, Economic Development Director reported that he met with Town Committee I on January 27 to discuss the rural transit proposal for the County. He said he felt strongly that an advisory committee was needed to work with Virginia Rural Transit for the implementation of the program. He pointed out that the Town already had a rural transit program, as well as an advisory committee, and he was exploring whether the Town's committee could be used to help plan and implement the County's rural transit program, with County representation. He said that Committee I referred the matter to the Town's Transportation Advisory Committee for a recommendation, and he anticipated meeting with that group shortly.

Mr. Sachs reported also that the recently created SBA HUB Zone Business Incubator met January 28 to discuss the feasibility of establishing an incubator. He said that he was encouraged by the discussions, and the Committee was going forward with locating suitable sites and exploring costs associated with acquiring or leasing a site.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee held an organization meeting on January 14 and elected Tony Dias Chairman and Mike Dale Vice-Chairman. He said there were no items requiring Board action.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that:

1. VACo/VML Legislative Day is scheduled for February 12, 2004 at the Omni Richmond Hotel. He noted that the Town was making dinner arrangements with legislators and asked Board members to let Mrs. Crane know if they were interested in

attending. He added that the Rural Caucus Dinner was being held February 11, and he believed everyone who was interested had already signed up.

2. The Governor's Visit on Tax Proposal and Impact on Business will be February 5, 2004 at the Depot Conference Center from 1:00 p.m. – 2:30 p.m. All Board members received an invitation.

CLOSED SESSION

Mr. Walker moved that the Board enter into closed session, as permitted under the following *Virginia Code* Sections and for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to discuss performance issues relating to specific County employees.
2. Under *Virginia Code* § 2.2-3711(A)(1), to consider (A) Prospective candidate for reappointment to the Cable Commission, (B) prospective candidate for appointment to the Cable Commission, (C) prospective candidate for reappointment to the Disability Services Board, (D) prospective candidates for appointment to the Disability Services Board, (E) prospective candidate for reappointment to the Parks and Recreation Advisory Committee, (F) consideration of resignation from Economic Development Advisory Committee, and (G) consideration of resignation from member of the School Construction Oversight Committee and appointment of alternate to committee.
3. Under *Virginia Code* § 2.2-3711(A)(3), to discuss the potential acquisition of specific real property for a public purpose.
4. Under *Virginia Code* § 2.2-3711(A)(7), to discuss probable litigation regarding a specific County department.

Mr. Nixon seconded.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

The Board entered into closed session at 12:40 p.m.

Mr. Coates recessed the closed session for lunch break at 1:00 p.m.

The Board reentered closed session at 1:45 p.m.

The Board returned to open session at 3:10 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business

matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase was not present for the full closed session.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn.

Absent - Chase.

RE: APPOINTMENT TO THE CABLE COMMISSION

Mr. Walker moved, seconded by Mr. Nixon, to appoint Irvin Bennett to the Cable Commission.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase.

Motion carried 6 to 0.

RE: REAPPOINTMENT TO THE PARKS AND RECREATION ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mrs. Hansohn, to reappoint Christopher H. Snider to the Parks and Recreation Advisory Committee.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase.

Motion carried 6 to 0.

RE: RESIGNATION FROM THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mr. Nixon, to regrettably accept the resignation of Douglas Kyle, Jr., from the Economic Development Advisory Committee.

Ayes - Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Absent - Chase.

Motion carried 6 to 0.

RE: THIRD PARTY INSPECTIONS UNDER THE UNIFORM BUILDING CODE

Mr. Walker moved, seconded by Mrs. Hansohn, that the Board reaffirm the policy enacted on June 11, 1991, that third party inspectors under the Uniform Building Code be allowed for all inspections and have a valid engineer and/or architect seal.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Nixon, Rosenberger, Walker

Abstained - Lee

Absent - Chase

Motion carried 5 to 0, with one abstention.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 3:20 p.m.

Ayes - Walker, Lee, Coates, Nixon, Rosenberger, Hansohn.

Absent - Chase.

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

APPROVED: March 2, 2004

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, FEBRUARY 3, 2004.

Board Members Present:

John F. Coates, Chairman
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present:

Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m. and welcomed everyone to the meeting.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

Josh Colvin, Catalpa District, addressed the Board regarding the recent cow incident and the manner in which the Animal Control Department handled the matter. He asked the Board to look into the situation.

Joe Colvin, Catalpa District, expressed his concerns regarding a recent threatening telephone to his home from an Animal Control Officer regarding the cow incident. He said he had attempted several times to contact the Animal Control Officer and he had not received a call back.

Aaron Greso, West Fairfax, expressed his concern with the problem he had downloading the County Code from the Internet at the County Library and suggested that the Code be burned onto CD's and made available to the public at the Library.

With no further comments, Mr. Coates closed the Citizen Forum.

Mrs. Hansohn addressed the comments made by the first two speakers about the recent cow incident that occurred in the County Administrator's Parking Lot. She said there had been a lot of humor about it, but felt the Board should look further into the situation to see whether or not it was properly handled.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Bossio asked that agenda item #2 be deleted from the agenda. Mr. Lee moved, seconded by Mr. Walker, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARINGS

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 12 (TAXATION) OF THE COUNTY CODE TO INCREASE ADMINISTRATIVE COST TO COLLECT DELINQUENT TAXES FROM \$20.00 TO \$25.00 AND TO INCREASE THE FEE FOR TAXES COLLECTED SUBSEQUENT TO JUDGMENT FROM \$25.00 TO \$30.00

Mr. Coates opened the public hearing and called for public comments. There were none.

Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Lee, to approve the amendment to Chapter 12 (Taxation) of the County Code to increase administrative cost to collect delinquent taxes from

\$20.00 to \$25.00 and to increase the fee for taxes collected subsequent to judgment from \$25.00 to \$30.00.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

The following item was deleted from the agenda

THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 12 (TAXATION) OF THE COUNTY CODE AND ADD A NEW ARTICLE TO BE ENTITLED “BUSINESS LICENSE FEE”

NEW PLANNING COMMISSION BUSINESS

CASE NO. U-2043-03-1. Request by Mary M. O’Shaughnessy for approval of a use permit for the construction of a tenant unit. The property is located off Route 613 in the Jefferson Magisterial District and contains 22.56 acres. Tax Map/Parcel No. 2/23B.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved.

Mr. Egertson displayed a tax map that highlighted the location of the property and informed the Board that the applicant had requested to build a second dwelling unit on 22.56 acres. The proposed dwelling unit would consist of approximately 1,590 square feet and would be occupied by an individual who assisted the applicant in caring for the property. No concerns were raised with this request and it was ready for the Board’s consideration.

No one was present representing the case.

Mr. Coates opened the public hearing and called for public comments.

There were none.

Mr. Coates closed the public hearing.

Mr. Rosenberger moved, seconded by Mr. Lee, to accept the Planning Commission’s recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CASE NO. U-2044-03-1. Request by J. Robert Yeaman for approval of a use permit to allow for a tenant unit. The property is located off Route 711 in the Stevensburg Magisterial District and contains 12.45 acres. Tax Map/Parcel No. 22/20C.

Mr. McLearen informed the Board that the Planning Commission had considered the

case and public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance. He said that the Planning Commission was recommending to the Board of Supervisors that this use permit be approved.

Mr. Egertson displayed a tax map that highlighted the location of the property and informed the Board that this was a request for a second dwelling on a single parcel. This was a 12.45-acre parcel within a number of 10+ acre lots that had been created and this particular lot contained an older home of approximately 1,100 square feet. The potential purchasers of the land would like to construct a new primary dwelling on the site and maintain the older unit as a tenant unit or a guesthouse. He said that staff and the Planning Commission raised no concerns and it was ready for the Board's consideration.

Robbie Yeaman, representing the application, said the 12.45-acre parcel was part of a larger development that contained 12 large lots with covenants recorded on the property. He said there was a small home located on the parcel that was previously used as a farm tenant unit and it did not fit the theme of the development. The owner had a contract buyer for the property and the buyer intended to renovate the tenant house and use it as viable house. Mr. Yeaman asked the Board to accept the Planning Commission's recommendation and approve the request.

Mr. Coates opened the public hearing and called for public comments.

There were none.

Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Nixon, to accept the Planning Commission's recommendation and approve the request.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

AMENDMENT TO ARTICLE 3 AND ARTICLE 9 OF THE ZONING ORDINANCE. The Board of Supervisors will consider amendments to Article 3, Section 3-2-3.3 and Article 9, adding a new Section 9-1-5B, of the Culpeper County Zoning Ordinance. The amendments would remove the conditional use permit requirements currently in place for tenant units. Criteria for permitting tenant units would be established. Tenant units are accessory dwelling units permitted on a single parcel of land in addition to a primary dwelling.

Mr. McLearen informed the Board that the Planning Commission considered the amendment and a public hearing was held. The Planning Commission found the amendments to be appropriate. He said that the Planning Commission was recommending to the Board of Supervisors that the Amendments to Article 2 and Article 9 of the Zoning Ordinance be adopted.

Mr. Egertson informed the Board that these amendments came about because of the number of tenant units that had been processed over the past several years. A request was normally placed on the both the Planning Commission and Board of Supervisors' agendas. The Planning Commission arrived at the conclusion that the more appropriate thing to do was to simply make them a by-right use and to establish set criteria. He said over the past years tenant units have been approved routinely, but often with conditions and it became difficult to enforce the conditions placed and somewhat subjective in terms of the varying conditions placed on each permit. He stated that instead it was proposed that set criteria would be established that all tenant units would have to meet and would be allowed either by-right, or if the applicant could not qualify, the request would be denied. He said the Board of Supervisors and Planning Commission would no longer have to review them on a case-by-case basis. He reviewed in detail the criteria set forth. He said it was being proposed that a secondary dwelling could be built on a single parcel of land as long as it could meet three requirements. 1) That the tenant unit could only be 75 percent of the size of the primary dwelling; 2) that one of the units would have to be occupied by the property owner; and 3) that either the lot involved would be eligible for subdividing to allow for the unit or that the lot involved would have to meet a minimum size criteria, which was generally three times the minimum lot size normally allowed in a district for a single house.

Mr. Egertson encouraged the Board to adopt the amendments because it would relieve the staff, Planning Commission and Board of Supervisors from having to deal with each request individually. He pointed out that should the Board see fit to adopt the ordinance, there were two use permit requests that had been filed, the fees paid and applications made. The Board would need to consider whether or not to include in the motion that the two requests already in the pipeline would be allowed to complete the process. He further noted that one request would meet the criteria of the ordinance, but he felt if the ordinance was adopted the applicant would withdraw the use permit request and do it by-right. The second request would not meet the criteria and that applicant would have an opportunity to finish the process. He asked the Board to take that fact into consideration during their deliberation.

Mr. Maddox stated that he supported the proposed ordinance and agreed with Mr. Egertson about the applications already in the process and suggested that the motion include the effective date of the amendment to Articles 3 and Article 9 when passed, except for any applications for tenant units already filed, to which the standards and procedures existed prior to this amendment will apply. He said this would allow those already filed to move through the process.

Mr. Coates opened the public hearing and called for public comments.

Aaron Greso, West Fairfax District, noted that a measurement was required and asked

if there was a recommended formula. He said he would rather see this focus on agriculture because the farmers needed it the most to be able to supplement their income.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates asked Mr. Egertson if the property was sold would the tenant unit go with the property. Mr. Egertson replied that it would. Mr. Coates asked Mr. Egertson to address the issues brought to the Board's attention. Mr. Egertson said that the ordinance indicated that the tenant unit could only be 75 percent of the size of the primary dwelling, which was based on finished floor area in the dwelling. It was permitted and restricted to A-1, RA, RR, and R-1, and would not carry over to the R-2, R-3, and R-4 zones.

Mrs. Hansohn asked if the tenant unit would be required to have its own drain field. Mr. Egertson replied that the Health Department approval was a requirement before the County would issue the permit and in some instances a separate drain field would be required, but the Health Department may allow others for a drain field expansion or a shared drain field situation.

Mr. Walker asked if any consideration had been given that it apply only to agricultural. Mr. Egertson replied that the Planning Commission did not take that into consideration. The Planning Commission tried to choose criteria they felt would best fit the ones approved in the past.

Mr. Coates asked why it was the desire of the Planning Commission and staff to approve the use permits administratively. Mr. Egertson replied that when he reviewed the history of the use permits considered over the years, he found that generally every application had been approved, sometimes with conditions and sometimes not, and it was the desire to make this an administrative process to simplify the current practice for the staff, Board and the citizens.

There was a lengthy discussion regarding the proposed amendments to Article 3 and Article 9, such as, sharing private driveways, shared maintenance on private driveways, subdividing, and the possibility of increasing minimum lot size for an R-1 zone to allow for two units. Mr. Egertson reported that the Planning Commission discussed the proposed amendments in detail before they were advertised for a public hearing. He pointed out that an R-1 zone was the most sensitive district, and it could be increased to five acres.

Mr. Maddox stated that if the Board elected to make a substantial change to the ordinance, he recommended that it be readvertised.

Mr. Nixon asked if the second dwelling in a R-1 zone would need to have the same amount of land as the first dwelling. Mr. Egertson said that one of two requirements must be met the way the ordinance was drafted. For example in an R-1 zone, which must consist of three acres, two houses could be placed anywhere on the three acres. They both could be

cramped on a small portion of the property, which would meet the criteria because there was a total of three acres. The second criteria, if there were not three acres, two houses could be situated on the two acres with each having its own drain field and well and it would meet all the Subdivision Ordinance requirements. This would allow tenant units in an R-1 zone on as little as two acres.

Mr. Nixon moved to accept the Planning Commission's recommendation and approve Articles 3 and 9 with the language provided by Mr. Maddox. Mr. Maddox restated his suggested language ***that the effective date of the amendment to Articles 3 and 9 be when passed, which would be today's date, except for any applications for tenant units already filed which the standards and procedures existing prior to this amendment will apply.*** Mr. Chase seconded.

Mr. Rosenberger noted that the Yeaman case considered tonight would not qualify because the size of the dwelling. He said if this was a good change to the ordinance, he felt it should not be made retroactive.

Mr. Coates said if there were applications already in the process, he felt those applications should get fair treatment under the old policy.

Mr. Rosenberger said he would not support the motion because of the amendment offered by Mr. Maddox.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Walker

Nay – Rosenberger

Motion carried 6 to 1.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 7:40 p.m. Seconded by Mr. Rosenberger.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk to the Board

APPROVED: March 2, 4004